

3728

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4-4-04

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q66240

Satoshi ARAMAKI

Appln. No.: 10/030,315

Group Art Unit: 3728

Confirmation No.: 2230

Examiner: NOT YET ASSIGNED

Filed: December 20, 2001

For: CASE

STATEMENT UNDER 37 C.F.R. § 1.97(e)

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

FEB 12 2003

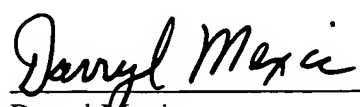
TECHNOLOGY CENTER R3700

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,


Darryl Mexic
Registration No. 23,063

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: February 10, 2003



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Appln. No.: 10/030,315

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
FEB 12 2003
TECHNOLOGY CENTER R3700

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the document which is listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of the listed document is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/030,315

ATTORNEY DOCKET NO. Q66240

37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. Nevertheless, since a Statement can be made, a Statement is submitted herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed document is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



Darryl Mexic

Registration No. 23,063

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: February 10, 2003

State Intellectual Property Office of People's Republic of China

Add: 16/F. Zhongke Building, No. 80, Haidian Road, Haidian District, Beijing, P.R. China Postal Code: 100080

Applicant	FUJI PHOTO FILM CO., LTD.	Issuing Date: November 15, 2002
Patent Agent	黄永奎	
Application No.	00808508.0	
Title of Invention	Case	

THE FIRST OFFICE ACTION (For PCT Application Entered the National Phase)

1. ☒ The applicant has filed a request for substantive examination on _____ (day/month/year). The examiner has proceeded the substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to proceed a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant requested to designate:
The filing date 1999.7.16 in the Japan Patent Office as the priority date,
The filing date _____ in the _____ Patent Office as the priority date, and
The filing date _____ in the _____ Patent Office as the priority date.
3. ☐ The following amended document(s) submitted by the applicant is (are) unacceptable, as the document(s) is (are) not in conformity with the provisions of Article 33 of the Chinese Patent Law:
- ☐ The Chinese translation for the annexes of the International Preliminary Examination Report,
 - ☐ The Chinese translation for the amendment submitted under Article 19 of the Patent Cooperation Treaty,
 - ☐ The Chinese translation for the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty,
 - ☐ The amendment submitted in accordance with to Rule 51 of the Implementing Regulations of Chinese Patent Law.
- The detail reasons for the amendments being unacceptable is described in the text of this office action.
4. ☒ The examination is proceeded based on the Chinese translation of the international application originally filed.
- ☐ The examination is proceeded on the basis of the following application documents:
- ☐ The description
Pages _____, pursuant to the Chinese translation of the international application originally filed;
Pages _____, pursuant to the Chinese translation for the annexes of the International Preliminary Examination Report;
 - Pages _____, pursuant to the Chinese translation for the amendment submitted under Article 28 or 41 of

the Patent Cooperation Treaty;

Pages _____, pursuant to the amendment submitted according to Rule 51 of the Implementing Regulations of Chinese Patent Law.

☐ The claims

Nos. _____, pursuant to the Chinese translation of the international application originally filed;

Nos. _____, pursuant to the Chinese translation for the amendment submitted under Article 19 of the Patent Cooperation Treaty.

Nos. _____, pursuant to the Chinese translation for the annexes of the International Preliminary Examination Report;

Nos. _____, pursuant to the Chinese translation for the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Nos. _____, pursuant to the amendment submitted according to Rule 51 of the Implementing Regulations of Chinese Patent Law.

☐ The drawings

Pages _____, pursuant to the Chinese translation of the international application originally filed;

Pages _____, pursuant to the Chinese translation for the annexes of the International Preliminary Examination Report;

Pages _____, pursuant to the Chinese translation for the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages _____, pursuant to the amendment submitted according to Rule 51 of the Implementing Regulations of Chinese Patent Law.

5. ☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document(Number or Title)	Publication Date (or Filing date of interference patent applications)
1	JP57-174320	4day 11 month 1982year
2		day month year
3		day month year
4		day month year

6. The conclusive opinion of the examination is as following:

☐ Description:

☐ The subject matter of the application falls into the scope, within which no patent right shall be granted, defined by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☒ Claims:

☐ Claim _____ falls into the scope, within which no patent right shall be granted, provided by Article 25 of the Chinese Patent Law

☒ Claim 1,4-6 does not possess novelty provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 2-3 does not possess inventiveness provided by Article 22(3) of the Chinese Patent Law.

☐ Claim _____ does not possess practical applicability provided by Article 22(4) of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.

- ☐ Claim _____ is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.
- ☐

The detail analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner consider that:

- ☐ The applicant should make amendment in accordance with the requirements described in the text of this office action.
- ☒ The applicant should expound reasons for that the above mentioned patent application can be granted the patent right, and make amendments to the specification of which is not in conformity with the provisions as described in text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive patent contents, if the applicant fails to expound reasons or the reasons expounded are not sufficient, this application will be rejected.
- ☐

8. ☐ The applicant shall pay more attention to the matters as following:

- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the response within four months from the date of receiving this office action. If the applicant fails to respond within the time limit without any justified reason, the application shall be deemed to have been withdrawn.
- (2) The amendment modified by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law, and shall be submitted in duplicate copies and in format in accordance with the relevant provisions of the Examination Manual.
- (3) The applicant's response and/or amendment documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office, the documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his (its) agent shall not come to the Chinese Patent Office to interview with the examiner without an appointment.

9. The text of this office action consists of a total of 1 sheets, and is accompanied by the following annexes:

- ☒ The copies of the cited reference documents consist of 1 set(s) and 2 sheet(s).

中华人民共和国国家知识产权局

邮政编码: 100080

北京市海淀区海淀路 80 号中科大厦 16 层

中科专利商标代理有限公司

黄永奎



(无审查业务专用章
不具备法律效力)

申请号: 00808508.0

部门及通知书类型: 2--C

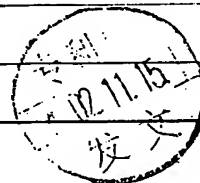
发文日期:

申请人:

富士胶片株式会社

发明名称:

外壳



第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查;

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 1999 年 7 月 16 日 为优先权日;

专利局的申请日 为优先权日;

专利局的申请日 为优先权日;

3. ☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定, 因而不能接受:

☐ 国际初步审查报告附件的中文译文。

☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。

☐ 依据专利法实施细则第 51 条规定所提交的修改文件。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。

☐ 审查是针对下述申请文件进行的:

说明书 第____页, 按照原始提交的国际申请文件的中文译文;

第____页, 按照国际初步审查报告附件的中文译文;

第____页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;

第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第____项, 按照原始提交的国际申请文件的中文译文;

第____项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文;

第____项, 按照国际初步审查报告附件的中文译文;

第____项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第____项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图 第____页, 按照原始提交的国际申请文件的中文译文;

第____页, 按照国际初步审查报告附件的中文译文;

第____页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



回函请寄: 100088

北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201-1 2001.7

(注: 凡寄给审查员个人的信函不具有法律效力)

5. ☒ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP57-174320	1982 年 11 月 11
2	_____	____ 年 ____ 月 ____ 日
3	_____	____ 年 ____ 月 ____ 日
4	_____	____ 年 ____ 月 ____ 日

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。
☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。
☐

☒ 关于权利要求书:

- ☒ 权利要求 1、4-6 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 2-3 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 _____ 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 _____ 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 _____ 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 _____ 不符合专利法实施细则第 13 条第 1 款的规定。
☐ 权利要求 _____ 不符合专利法第 9 条的规定。
☐ 权利要求 _____ 不符合专利法实施细则第 20 条至第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给中国专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来中国专利局与审查员举行会晤。

9. 本通知书正文部分共有 1 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 2 页。
☐

00808508.0

第一次审查意见通知书正文

本申请涉及一种外壳。经审查, 现提出如下的审查意见。

权利要求 1、4-6 所要求保护的技术方案不具备专利法第 22 条第 2 款规定的新颖性。对比文件 1 公开了一种容器外壳, 并具体公开了上述权利要求的全部技术特征(参见该对比文件的附图 1-3)。由此可见, 对比文件 1 已经公开了该权利要求的全部技术特征, 且对比文件 1 所公开的技术方案与该权利要求所要求保护的技术方案属于同一技术领域, 并能产生相同的技术效果, 因此该权利要求所要求保护的技术方案不具备新颖性。

从属权利要求 2-3 限定部分的附加技术特征是所述技术领域中的公知常识, 对所属技术领域的技术人员来说是显而易见的, 因此当其引用的权利要求由于不具备新颖性而不能被接受时, 该权利要求所要求保护的技术方案不具备突出的实质性特点和显著的进步, 因而不具备专利法第 22 条第 3 款所规定的创造性。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复, 必要时应修改专利申请文件, 否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第 33 条的规定, 不得超出原说明书和权利要求书记载的范围。同时请提交修改对照页。